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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR-07-0678-JSW
Plaintiff,)
Vs.) DEFENDANT GLENIO SILVA'S
GLENIO SILVA) FIRST STATUS MEMORANDUM
Defendant.) Honorable Jeffrey S. White
) November 1, 2007 @ 2:30 p.m.
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Defendant Glenio Silva, by and through his attorney, Steven F. Gruel, hereby submits this First Status Memorandum for the November 1, 2007 hearing scheduled before the Court.

I. FIRST STATUS MEMORANDUM

A. Nature and Procedural History of the Case

On October 25, 2007, the United States Attorney indicted Glenio Silva with a single count of harboring illegal aliens. Mr. Silva operates two small “mom & pop” like pizza restaurants in the San Francisco Bay area. The government’s charge stems from its belief that Mr. Silva knowingly

1 employed and provided housing for 6 illegal aliens. On October 26, 2007, Mr. Silva was
2 arraigned before the Honorable Edward M. Chin and entered his Not Guilty plea. The case
3 comes before Your Honor for initial setting.

4 1. Pretrial Release / Interpreter

5 Mr. Silva is not in custody. Mr. Silva has no criminal history. He is married and has two
6 small children. Mr. Silva is from Brazil and is a lawful permanent resident of the United States.
7 On June 15, 2007, he was arrested and released upon an unsecured bond of \$75,000. He was
8 ordered to adhere to the standard conditions of pretrial release.

9 2. Facts of the Case

10 The government began its investigation of Mr. Silva after a disgruntled employee named
11 Silvano Santos, fired for stealing from one of the pizza restaurants, walked into the Department
12 of Homeland Security and told agents that Mr. Silva hired illegal aliens. Silvano Santos became
13 the government's informant in this case.

14 Subsequently, federal agents conducted a 4 month investigation on the two pizza stores. On
15 June 15, 2007, agents conducted several search warrants and arrested Mr. Silva along with
16 several others who apparently were found to be in the United States illegally. Mr. Silva was
17 arrested on a federal complaint.

18 Since the time of his arrest, the parties have conducted considerable pre-indictment discovery
19 as well as engaged in settlement discussions. The parties have previously stipulated, and the
20 Courts have found, appropriate grounds for excludable time from the Speedy Trial clock and
21 Rule 5.

1 3. Material Witness Depositions

2 Two people, Gilson Araujo and Wander Araujo, were arrested also on June 15, 2007 at the
3 pizza shops and detained. They were charged and entered guilty pleas to misdemeanor charges of
4 possessing false identification, namely phony California driver licenses. Because the
5 government intended to deport these two men, the prosecution requested material witness
6 depositions. These depositions were conducted on October 12, 2007.

7 4. Discovery To Date

8 To date the government has provided approximately 2,700 pages of discovery. Additionally,
9 several CDs of undercover video tapes have been provided. On October 25, 2007, the defense
10 requested in discovery the complete immigration files for the 6 John Does listed in the
11 indictment.

12 5. Speedy Trial

13 On November 1, 2007, the Speedy Trial date is calculated to be January 9, 2008. Mr. Silva
14 will seek a further finding of excludable time until the next scheduled court date for effective
15 preparation of counsel. The defense does not expect the government to object to this request.

16 B. Anticipated Defense Motions

17 Should this case not settle, the defense anticipates filing several pretrial and Rule 12 motions.
18 For instance, a motion requesting a Bill of Particulars may be necessary. A motion to suppress
19 any statements made by Mr. Silva as well as to suppress evidence from several search warrants
20 may be in order.

21 The defense also anticipates a motion to dismiss this case for selective prosecution and/or
22 government misconduct. Subsequently, more discovery motions may be warranted.

1 C. Mr. Silva's Recommendation Regarding Scheduling

2 The defense recommends that the case be continued for 6 weeks. The defense believes that the
3 parties will continue in discussions regarding resolution of the case while additional discovery is
4 provided by the government. As mentioned above, the Speedy Trial Act provides several
5 grounds (effective preparation of counsel) for excludable time.
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7 Dated: 10/28/07

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9 /s/
10 STEVEN F. GRUEL
11 Attorney for Glenio Silva
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